

8/25/2021

AO 91 (Rev. 11/11) Criminal Complaint

AUTHORIZED AND APPROVED DATE:

UNITED STATES DISTRICT COURT

for the

Western District of Oklahoma

United States of America

v.

Robert Lee Fisher

Case No. M-21- 509 -SM

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 19, 2021 in the county of Oklahoma in the
Western District of Oklahoma, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(8)	Possession of a firearm by a person subject to a court order
18 U.S.C. § 922(g)(9)	Possession of a firearm by a person convicted of a misdemeanor domestic violence

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent Brenden Taylor, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), which is incorporated and made a part hereof by reference.

☒ Continued on the attached sheet.


Complainant's signature

BRENDEN TAYLOR, Special Agent (ATF)

Printed name and title

Sworn to before me and signed in my presence.

Date: August 25, 2021


Judge's signature

City and state: Oklahoma City, Oklahoma

SUZANNE MITCHELL, U.S. Magistrate Judge

Printed name and title

FACTS SUPPORTING PROBABLE CAUSE:

1. On August 19, 2021, at approximately 10:30 p.m., Oklahoma City Police Department (OCPD) officers received a call to Integris Southwest Medical Center in reference to an 11-year-old juvenile shooting victim. Responding officers learned the shooting incident took place at 3301 SW 46th Street in Oklahoma City, Oklahoma, within the Western District of Oklahoma.
2. According to witnesses, a party took place at the residence of 3301 SW 46th Street in the early evening hours of August 19, 2021. FISHER, his girlfriend, and her 11-year-old daughter reside at that address and were present at the party.
3. During the evening, a witness observed FISHER enter the bedroom he shared with his girlfriend. The witness believed FISHER's girlfriend had also gone into their bedroom. Multiple partygoers remained in the living room of the residence. Later, witnesses heard a loud noise and the 11-year-old victim came running from her own bedroom into the living room with a gunshot wound to her upper left arm.
4. While in the bedroom he shared with his girlfriend, FISHER had control of a shotgun and fired it one time, causing the loud noise heard by partygoers. The round from that shotgun traveled through the wall between bedrooms and struck the 11-year-old victim while she lay asleep in her bed.
5. The 11-year-old victim was transported for medical treatment for the gunshot wound.
6. FISHER did not remain at the scene and did not contact police after this incident.
7. On that same date, OCPD officers went to 3301 SW 46th Street and received written

consent from FISHER's girlfriend (the mother of the 11-year-old victim) to search the residence. Inside of the bedroom shared by her and FISHER, OCPD officers located the following firearms:

- a. a Maverick Model 88, 12 gauge shotgun, bearing serial number MV0685838, and
- b. a Taurus model G2c, 9mm Luger caliber pistol, bearing serial number TLX40960.

The pistol was located on the bedroom floor, and the shotgun was on top of it.

8. OCPD officers also located a spent shotgun shell in the receiver of the shotgun and wadding from the spent shell on the bedroom floor, indicating that the shotgun had been discharged. They also observed and photographed gunshot damage to the adjoining wall between that bedroom and the 11-year-old victim's bedroom.
9. On August 20, 2021, FISHER was located at the residence of 611 Collin Drive in Oklahoma City. When FISHER was taken into custody, he asked officers if his "wife" told them "it was an accident?"
10. I have reviewed FISHER's criminal history. On November 13, 2018, a protective order was filed against FISHER by an intimate partner in Oklahoma County District Court at case number PO-2018-2906. An Emergency Protective Order was granted on that same date.
11. On November 26, 2018, FISHER appeared at a hearing on that Emergency Protective Order, and the court ordered it to remain in effect through February 25, 2019. FISHER signed a court notice requiring him to appear before Judge Shaw in Courtroom 202 of the Oklahoma County Courthouse prepared for a hearing on the

matter on February 25, 2019. Thus, by signing, FISHER acknowledged notice of the hearing scheduled for February 25, 2019.

12. On February 25, 2019, FISHER did not appear for that hearing. On that date, a Final Order of Protection was entered against FISHER in Oklahoma County District Court at case number PO-2018-2906. That Final Order of Protection remains in effect until 11:59p.m. on February 25, 2024, and as such, was in effect on August 19, 2021.

13. In that Final Order of Protection, the petitioner indicates that FISHER is her ex-boyfriend (an intimate partner). Furthermore, that Final Order of Protection explicitly states that “[f]ollowing the hearing of which the Defendant had actual notice and opportunity to appear and respond, the Court find that the Defendant represents a credible threat to the physical safety of an intimate partner or child. Defendant is prohibited from possession of firearms or ammunition for the term of this Order.” That Final Order of Protection also explicitly prohibits FISHER from harassing, stalking, or threatening the petitioner, an intimate partner, or from engaging in other conduct that would place the petitioner in reasonable fear of bodily injury.

14. I am also aware that FISHER has a prior conviction for a misdemeanor crime of domestic violence at Oklahoma County District Court case number CM-2019-107. On November 12, 2020, FISHER plead guilty to Domestic Abuse (Assault and Battery), in violation of Title 21, Oklahoma Statute § 644, in that case. FISHER was sentenced to a 1-year suspended sentence.

15. On August 25, 2021, I examined the aforementioned shotgun. I am an ATF Firearms Interstate Nexus Examiner, and it is my opinion that the shotgun was not manufactured in the state of Oklahoma, and therefore crossed state lines to reach the state of Oklahoma, thereby affecting interstate commerce.
16. Based upon the aforementioned facts and circumstances, I believe that probable cause exists to show that on or about August 19, 2021, in Oklahoma City, Oklahoma, in the Western District of Oklahoma, Robert Lee FISHER did knowingly possess a firearm in violation of 18 U.S.C. § 922(g)(8) and 18 U.S.C. § 922(g)(9).



BRENDEN W. TAYLOR
Special Agent
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Subscribed and sworn to before me this 25th day of August 2021.



SUZANNE MITCHELL
United States Magistrate Judge